

SECOND REGULAR SESSION

HOUSE BILL NO. 2114

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLACK (7).

4632H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 169.560 and 169.596, RSMo, and to enact in lieu thereof two new sections relating to teacher and school employee retirement systems.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 169.560 and 169.596, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 169.560 and 169.596, to read as follows:

169.560. 1. Any person retired and currently receiving a retirement allowance
2 pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any
3 capacity for an employer included in the retirement system created by those sections on either
4 a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in
5 any one school year, and through such employment may earn up to fifty percent of the annual
6 compensation payable under the employer's salary schedule for the position or positions filled
7 by the retiree, given such person's level of experience and education, without a
8 discontinuance of the person's retirement allowance. If the employer does not utilize a
9 salary schedule, or if the position in question is not subject to the employer's salary schedule,
10 a retiree employed in accordance with the provisions of this subsection may earn up to fifty
11 percent of the annual compensation paid to the person or persons who last held such position
12 or positions. If the position or positions did not previously exist, the compensation limit shall
13 be determined in accordance with rules duly adopted by the board of trustees of the retirement
14 system; provided that, it shall not exceed fifty percent of the annual compensation payable for
15 the position by the employer that is most comparable to the position filled by the retiree. In
16 any case where a retiree fills more than one position during the school year, the fifty-percent
17 limit on permitted earning shall be based solely on the annual compensation of the highest

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 paid position occupied by the retiree for at least one-fifth of the total hours worked during the
19 year. Such a person shall not contribute to the retirement system or to the public education
20 employee retirement system established by sections 169.600 to 169.715 because of earnings
21 during such period of employment. If such a person is employed in any capacity by such an
22 employer in excess of the limitations set forth in this subsection, the person shall not be
23 eligible to receive the person's retirement allowance for any month during which the person is
24 so employed. In addition, such person shall contribute to the retirement system if the person
25 satisfies the retirement system's membership eligibility requirements. In addition to the
26 conditions set forth above, this subsection shall apply to any person retired and currently
27 receiving a retirement allowance under sections 169.010 to 169.141, other than for disability,
28 who is employed by a third party or is performing work as an independent contractor, if such
29 person is performing work for an employer included in the retirement system as a temporary
30 or long-term substitute teacher or in any other position that would normally require that
31 person to be duly certificated under the laws governing the certification of teachers in
32 Missouri if such person was employed by the district. The retirement system may require the
33 employer, the third-party employer, the independent contractor, and the retiree subject to this
34 subsection to provide documentation showing compliance with this subsection. If such
35 documentation is not provided, the retirement system may deem the retiree to have exceeded
36 the limitations provided in this subsection.

37 2. Notwithstanding any other provision of this section, any person retired and
38 currently receiving a retirement allowance in accordance with sections 169.010 to 169.141,
39 other than for disability, may be employed by an employer included in the retirement system
40 created by those sections in a position that does not normally require a person employed in
41 that position to be duly certificated under the laws governing the certification of teachers in
42 Missouri, and through such employment may earn up to ~~sixty percent of the minimum~~
43 ~~teacher's salary as set forth in section 163.172]~~ **the annual earnings exemption amount**
44 **applicable to a Social Security recipient before the calendar year of attainment of full**
45 **retirement age under 20 CFR 404.430**, without a discontinuance of the person's retirement
46 allowance **from the retirement system. The Social Security annual earnings exemption**
47 **amount applied shall be the exemption amount in effect for the calendar year in which**
48 **the school year begins.** Such person shall not contribute to the retirement system or to the
49 public education employee retirement system established by sections 169.600 to 169.715
50 because of earnings during such period of employment, and such person shall not earn
51 membership service for such employment. The employer's contribution rate shall be paid by
52 the hiring employer into the public education employee retirement system established by
53 sections 169.600 to 169.715. If such a person is employed in any capacity by an employer in
54 excess of the limitations set forth in this subsection, the person shall not be eligible to receive

55 the person's retirement allowance for any month during which the person is so employed. In
56 addition, such person shall become a member of and contribute to any retirement system
57 described in this subsection if the person satisfies the retirement system's membership
58 eligibility requirements. The provisions of this subsection shall not apply to any person
59 retired and currently receiving a retirement allowance in accordance with sections 169.010 to
60 169.141 employed by a public community college.

169.596. 1. Notwithstanding any other provision of this chapter to the contrary, a
2 retired certificated teacher receiving a retirement benefit from the retirement system
3 established pursuant to sections 169.010 to 169.141 may, without losing his or her retirement
4 benefit, teach full time for up to ~~two~~ **four** years for a school district covered by such
5 retirement system; provided that the school district has a shortage of certified teachers, as
6 determined by the school district, and provided that no such retired certificated teacher shall
7 be employed as a superintendent. The total number of such retired certificated teachers shall
8 not exceed, at any one time, the lesser of ten percent of the total teacher staff for that school
9 district, or five certificated teachers.

10 2. Notwithstanding any other provision of this chapter to the contrary, a person
11 receiving a retirement benefit from the retirement system established pursuant to sections
12 169.600 to 169.715 may, without losing his or her retirement benefit, be employed full time
13 for up to ~~two~~ **four** years for a school district covered by such retirement system; provided
14 that the school district has a shortage of noncertificated employees, as determined by the
15 school district. The total number of such retired noncertificated employees shall not exceed,
16 at any one time, the lesser of ten percent of the total noncertificated staff for that school
17 district, or five employees.

18 3. The employer's contribution rate shall be paid by the hiring school district.

19 4. In order to hire teachers and noncertificated employees pursuant to the provisions
20 of this section, the school district shall:

21 (1) Show a good faith effort to fill positions with nonretired certificated teachers or
22 nonretired noncertificated employees;

23 (2) Post the vacancy for at least one month;

24 (3) Have not offered early retirement incentives for either of the previous two years;

25 (4) Solicit applications through the local newspaper, other media, or teacher
26 education programs;

27 (5) Determine there is an insufficient number of eligible applicants for the advertised
28 position; and

29 (6) Declare a critical shortage of certificated teachers or noncertificated employees
30 that is active for one year.

31 5. Any person hired pursuant to this section shall be included in the State Directory of
32 New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section
33 1320b-7.

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